

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 98-cr-15-1-SM

Sean D. Brown

O R D E R

Defendant seeks various transcripts, at government expense, related to a motion to suppress evidence filed in his underlying criminal case. Defendant, however, pled guilty, was sentenced, filed an appeal, and his convictions were affirmed on appeal. The period in which he could have filed a petition for relief under the federal habeas provisions of 28 U.S.C. § 2255, has expired. Defendant's own pleas of guilty waived any issue regarding the admissibility of evidence (and, as well, that issue was resolved against him on the merits before his pleas of guilty were accepted as having been entered knowingly, voluntarily, and intelligently). Defendant's conviction is at this point, final.

Defendant has not made (and likely cannot make) the requisite showing of need for, nor entitlement to, transcripts at government expense. See Ellis v. State of Maine, 448 F.2d 1325, 1327 (1st Cir. 1971); 28 U.S.C. § 753(f).

The motion for transcripts at government expense (document no. 94) is denied.

SO ORDERED.


Steven J. McAuliffe
Chief Judge

May 20, 2010

cc: Terry L. Ollila, AUSA
Sean D. Brown, pro se